

REMARKS

Claims 1-14 are in the case; of these, Claims 1 and 14 are in independent form.

The examiner's observations respecting the lack of receipt of the Rule 132 documents is noted and appreciated.

Submitted herewith as an appendix are the Rule 132 documents. These attachments include the following:

1. Copy of the Employment Contract;
2. Copy of the USPTO Notice of Recordation of Assignment of the present invention application from Sima Khan, the inventor, to Davox Corporation;
3. Copy of Certificate of Name Change;
4. Copy of the USPTO Notice of Recordation of Assignment of the present invention application from Davox Corporation to Concerto Software, Inc.;
5. Copy of the USPTO Notice of Recordation of Assignment of the present invention application from B. Scott Smith to Davox Corporation.

Since the examiner has indicated independent Claim 14 allowable, and because independent Claim 1 is now believed to be allowable for the reasons previously stated along with the Rule 132 declaration presented by amendment dated April 10, 2004, the

instant amendment places the entire case in allowable condition so that its entry at this time is considered proper. Since the independent Claims are allowable, further discussion thereof, and of the dependent Claims 2-13, is rendered moot.


Reconsideration, re-examination and early allowance of Claims 1-14 are accordingly respectfully requested.

The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

Saima Khan

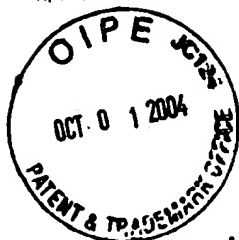
By


Daniel J. Bourque, Esq.
Registration No. 35,457
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: 9-25-09



N1 27, 5001120

EMPLOYEE AGREEMENT

In consideration of my employment by Davox Corporation, a Delaware Corporation (the CORPORATION), I hereby agree as follow:

1. I will make full and prompt disclosure to the CORPORATION of all inventions, improvements, modifications, discoveries, and developments (all of which are collectively termed "developments" hereinafter), whether patentable or not made or conceived during normal working hours or on the premises of the CORPORATION.
2. Upon request of the CORPORATION, I agree to assign to the CORPORATION all developments covered by paragraph 1 and any patents or patent applications covering such developments and to execute and deliver such assignments, applications for letters patent and other documents for use in any and all countries whatsoever as the CORPORATION may direct and to cooperate fully with the CORPORATION in prosecuting such applications and in otherwise securing to the CORPORATION full protection of the same. I understand that after I formally disclose a development under procedures instituted by the CORPORATION, the CORPORATION may decide that it is not interested in exploiting the development and in such case it may release the development to me outright or grant me such lesser rights in the development as it may decide.
3. I will also assign to the CORPORATION any and all copyrights to any material prepared by me in connection my said employment.
4. During the course of my employment by the CORPORATION, I may learn of confidential information relating to the CORPORATION. Confidential information includes matters not generally known outside the CORPORATION, such as various developments, inventions, improvements, methods, etc., relating to the products and services marketed or used by the CORPORATION, and also general business operations of the CORPORATION (e.g., relating to the sales, costs, profits, organization, customer lists, pricing methods, etc.). I agree not to disclose any confidential information to others or to make use of it, either during or after my employment by the CORPORATION, whether or not such information is produced by my own efforts, except as expressly permitted in writing by the CORPORATION. Also, I may learn of apparatus, methods, ways of business, etc. which in themselves are generally known, and I agree not to disclose to others such use, either during or after my employment by the CORPORATION, whether or not such use is due to my own efforts.
5. At the time I begin my employment with the CORPORATION I will not be employed by or acting on behalf of any other person, corporation or firm, unless such employment has been approved by the CORPORATION in writing and signed by an officer of the CORPORATION.

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6. During the term of my employment by the CORPORATION I will not become employed by or act on behalf of any other person, corporation or firm, which is engaged in any business or activity similar to or competitive with that of the CORPORATION, unless such employment has been approved by the CORPORATION in writing and signed by an officer of the CORPORATION.
7. In the event that my employment is transferred by the CORPORATION to a subsidiary (wholly or majority owned) or a sister corporation (as the case may be), the terms of the agreement shall, so long as I am so employed, remain in full force and effect. In addition, I agree to be bound by the provisions of any standard agreement, substantially similar in substance to this agreement, then in force in any such corporation for which I am then employed. If there is a direct conflict between any provision of the agreement then in force with the corporation for which I am then employed, the later shall govern.
8. I hereby give Davox Corporation and it's assigns permission to use photographs of me, with or without using my name, for whatever purpose it deems necessary.
9. My obligation under the Agreement shall survive the termination of my employment regardless of the manner of such termination, and shall be binding upon my heirs, executors and administrators.

Witness my hand and seal

Signature Saimie S. Khen (Seal)

Date Jan 20 1993

Witness _____



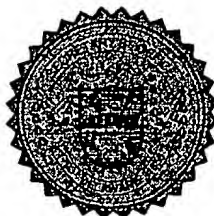
Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "DAVOX CORPORATION", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "CONCERTO SOFTWARE, INC.", THE SECOND DAY OF MAY, A.D. 2002, AT 11:30 O'CLOCK A.M.

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0939326 8320

030147605

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2307278

DATE: 03-13-03



FEBRUARY 03, 2000



PTAS

BOURQUE & ASSOCIATES, P.A.
DANIEL J. BOURGUE
835 HANOVER STREET, SUITE 303
MANCHESTER, NH 03104

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/17/1999

REEL/FRAME: 010350/0436
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KHAN, SAIMA

DOC DATE: 09/13/1999

ASSIGNEE:

DAVOX CORPORATION
6 TECHNOLOGY PARK DRIVE
WESTFORD, MASSACHUSETTS 01886

SERIAL NUMBER: 09398222
PATENT NUMBER:

FILING DATE: 09/17/1999
ISSUE DATE:

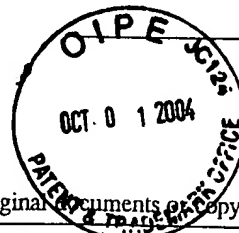
LAWAN FLETCHER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

11-04-1999

MM 9.17.99



101191165



Box Assignments
Commissioner of Patents and Trademarks
Washington, D.C. 20231
☒ Express Mail No. EM154921610US
☐ Certified Mail

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or a copy thereof.

1. Name of conveying party(ies):
Saima Khan
101 Stedman Street
Chelmsford, MA 01824

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name Davox Corporation

RECEIVED

Internal Address: OCT 0 6 2004

Technology Center 2600

Street Address: 6 Technology Park Drive
Westford, MA 01886

Additional name(s) & address(es) attached? ☐ Yes ☒ No



3. Nature of Conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: September 13, 1999

09/398222

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: September 13, 1999

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Bourque & Associates, P.A.
835 Hanover Street, Suite 303
Manchester, NH 03104

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41): \$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

02-3285

(Attach duplicate copy of this page if paying by deposit account)

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Daniel J. Bourque, Esquire

Name of Attorney of Record
Attorney Registration No. 35,457

Signature

9/17/99
Date

Total number of pages including cover sheet, attachments and document: [3]

Attorney Docket No. DAVOX-171XX

A S S I G N M E N T

In consideration of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, I, Saima Khan, residing at 101 Stedman Street, Chelmsford, MA 01824 hereby sell and assign to Davox Corporation, a Delaware Corporation having a principal place of business at 6 Technology Park Drive, Westford, MA 01886 its successors and assigns, the entire right, title and interest, including all rights of trade secret and copyright, in all works associated therewith, along with the right to claim priority under the International Convention, throughout the United States, its territories and all foreign countries, in and to my invention in

EXCLUSION RECORD PROPAGATION

and the application for United States Letters Patent therefor executed by me on 9/13/99 and identified as Attorney Docket No. DAVOX-171XX, and such patents as may issue thereon, and all divisions, reissues and continuations thereof.

And I hereby covenant that I have full right to make such assignment, and agree for myself and my executors and administrators that I will, at the expense of said Davox Corporation, execute all applications for patents in foreign countries, execute all divisional, continuing, reissue and re-examination applications, execute all applications for copyright registration, make all rightful oaths, sign all lawful papers, testify in any proceeding in which said invention or any application or patent directed thereto may be involved, and generally do everything possible to aid said Davox Corporation, its successors and assigns, to obtain and enforce proper patent and copyright protection for said invention in the United states, its territories and all foreign countries.

And I hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent on said invention or resulting therefrom to Davox Corporation, its successors and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

Saima Khan
Saima Khan

Date: 9/13/99

State of Massachusetts

County of Middlesex

) ss.
)

Subscribed and sworn to before me by the above-named Saima Khan this 13 day of September, 1999

Charles V. Allright
Notary Public

My Commission Expires:

March 10, 2006

(Seal)



OCT 22 2002

OCTOBER 17, 2002

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Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

BOURQUE & ASSOCITES P.A.
DANIEL J. BOURQUE, ESQ.
835 HANOVER STREET, SUITE 301
MANCHESTER, NEW HAMPSHIRE 03104



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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/20/2002

REEL/FRAME: 013169/0552
NUMBER OF PAGES: 9

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BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DAVOX CORPORATION

DOC DATE: 05/02/2002

Technology Center 2600

ASSIGNEE:

CONCERTO SOFTWARE, INC.
6 TECHNOLOGY PARK DRIVE
WESTFORD, MASSACHUSETTS 01886

SERIAL NUMBER: 09304765
PATENT NUMBER:

FILING DATE: 05/04/1999
ISSUE DATE:

SERIAL NUMBER: 09161816
PATENT NUMBER:

FILING DATE: 09/28/1998
ISSUE DATE:

SERIAL NUMBER: 09153684
PATENT NUMBER:

FILING DATE: 09/15/1998
ISSUE DATE:

SERIAL NUMBER: 09057749
PATENT NUMBER:

FILING DATE: 04/09/1998
ISSUE DATE:

013169/0552 PAGE 2

SERIAL NUMBER: 09246034	FILING DATE: 02/05/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09244446	FILING DATE: 02/04/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09048630	FILING DATE: 03/26/1998
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 10100969	FILING DATE: 03/19/2002
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09184922	FILING DATE: 11/02/1998
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09247719	FILING DATE: 02/09/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09203965	FILING DATE: 12/02/1998
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09270626	FILING DATE: 03/17/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09391254	FILING DATE: 09/07/1999
PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 09438445	FILING DATE: 11/12/1999
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SERIAL NUMBER: 09677990	FILING DATE: 10/03/2000
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SERIAL NUMBER: 09421669	FILING DATE: 10/20/1999
PATENT NUMBER: 6213816	ISSUE DATE: 04/10/2001
SERIAL NUMBER: 09543698	FILING DATE: 04/05/2000
PATENT NUMBER:	ISSUE DATE:
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PATENT NUMBER:	ISSUE DATE:
SERIAL NUMBER: 10090533	FILING DATE: 03/04/2002
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SERIAL NUMBER: 09943587	FILING DATE: 08/30/2001
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SERIAL NUMBER: 07708050 PATENT NUMBER: 5295184	FILING DATE: 05/30/1991 ISSUE DATE: 03/15/1994
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SERIAL NUMBER: 08252339 PATENT NUMBER: 5594790	FILING DATE: 06/01/1994 ISSUE DATE: 01/14/1997
SERIAL NUMBER: 08619164 PATENT NUMBER: 5592543	FILING DATE: 03/21/1996 ISSUE DATE: 01/07/1997

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PATENT NUMBER: 5949656	ISSUE DATE: 09/07/1999
SERIAL NUMBER: 08699292	FILING DATE: 08/19/1996
PATENT NUMBER: 5822400	ISSUE DATE: 10/13/1998
SERIAL NUMBER: 08634473	FILING DATE: 04/18/1996
PATENT NUMBER: 5790650	ISSUE DATE: 08/04/1998
SERIAL NUMBER: 08634472	FILING DATE: 04/18/1996
PATENT NUMBER: 5784452	ISSUE DATE: 07/21/1998
SERIAL NUMBER: 08635028	FILING DATE: 04/19/1996
PATENT NUMBER: 6141412	ISSUE DATE: 10/31/2000
SERIAL NUMBER: 08634471	FILING DATE: 04/18/1996
PATENT NUMBER: 5778359	ISSUE DATE: 07/07/1998
SERIAL NUMBER: 08689816	FILING DATE: 08/14/1996
PATENT NUMBER: 5832068	ISSUE DATE: 11/03/1998
SERIAL NUMBER: 09052514	FILING DATE: 03/31/1998
PATENT NUMBER: 6330243	ISSUE DATE: 12/11/2001
SERIAL NUMBER: 09049361	FILING DATE: 03/27/1998
PATENT NUMBER: 6102970	ISSUE DATE: 08/15/2000
SERIAL NUMBER: 09093264	FILING DATE: 06/08/1998
PATENT NUMBER: 6345094	ISSUE DATE: 02/05/2002
SERIAL NUMBER: 09089203	FILING DATE: 06/02/1998
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SERIAL NUMBER: 09089304	FILING DATE: 06/02/1998
PATENT NUMBER: 6411708	ISSUE DATE: 06/25/2002
SERIAL NUMBER: 09219043	FILING DATE: 12/23/1998
PATENT NUMBER: 6266407	ISSUE DATE: 07/24/2001

013169/0552 PAGE 5

SERIAL NUMBER: 09245831
PATENT NUMBER: 6084950

FILING DATE: 02/05/1999
ISSUE DATE: 07/04/2000

SERIAL NUMBER: 09290241
PATENT NUMBER: 6345093

FILING DATE: 04/13/1999
ISSUE DATE: 02/05/2002

SERIAL NUMBER: 09344875
PATENT NUMBER: 6408302

FILING DATE: 06/28/1999
ISSUE DATE: 06/18/2002

SERIAL NUMBER: 09342782
PATENT NUMBER: 6330327

FILING DATE: 06/29/1999
ISSUE DATE: 12/11/2001

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



NOVEMBER 24, 1999

BORUQUE & ASSOCIATES, P.A.
DANIEL J. BOURQUE
835 HANOVER STREET
SUITE 303
MANCHESTER, NH 03104



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Washington, D.C. 20231

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RECORDATION DATE: 09/07/1999

REEL/FRAME: 010234/0183
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SMITH, B. SCOTT

DOC DATE: 09/01/1999

ASSIGNEE:

DAVOX CORPORATION
6 TECHNOLOGY PARK DRIVE
WESTFORD, MASSACHUSETTS 01886

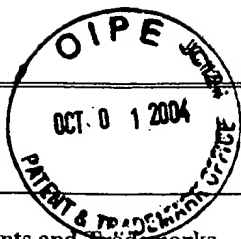
SERIAL NUMBER: 09391254

PATENT NUMBER:

FILING DATE: 09/07/1999

ISSUE DATE:

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



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09-20-1999



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Washington, D.C. 20231☒ Express Mail No. EM593270837US☐ Certified Mail

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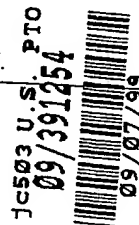
1. Name of conveying party(ies):

B. Scott Smith
35 White Plains Avenue
Londonderry, NH 03053Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Davox Corporation

Internal Address: _____

Street Address: 6 Technology Park Drive
Westford, MA 01886Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of Conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 9-1-99

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4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 9-1-1999

A. Patent Application No.(s)

B. Patent No.(s)

09391254

Additional numbers attached?

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Bourque & Associates, P.A.
835 Hanover Street, Suite 303
Manchester, NH 03104

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41):..... \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number:

02-3285

(Attach duplicate copy of this page if paying by deposit account)

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.*Daniel J. Bourque, Esquire
Name of Attorney of Record
Attorney Registration No. 35,457

Signature

Date

Total number of pages including cover sheet, attachments and document: [3]

Attorney Docket No. DAVOX-162XX

A S S I G N M E N T

In consideration of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, I, B. Scott Smith, residing at 35 White Plains Avenue, Londonderry, NH, 03053 hereby sell and assign to Davox Corporation, a Delaware corporation having a principal place of business at 6 Technology Park Drive, Westford, MA 01886 its successors and assigns, the entire right, title and interest, including all rights of trade secret and copyright, in all works associated therewith, along with the right to claim priority under the International Convention, throughout the United States, its territories and all foreign countries, in and to my invention in

SYSTEM AND METHOD OF DISTRIBUTING OUTBOUND TELEPHONY SERVICES OVER A COMPUTER NETWORK

and the application for United States Letters Patent therefor executed by me on 9/11/99 and identified as Attorney Docket No. DAVOX-162XX, and such patents as may issue thereon, and all divisions, reissues and continuations thereof.

And I hereby covenant that I have full right to make such assignment, and agree for myself and my executors and administrators that I will, at the expense of said Davox Corporation, execute all applications for patents in foreign countries, execute all divisional, continuing, reissue and re-examination applications, execute all applications for copyright registration, make all rightful oaths, sign all lawful papers, testify in any proceeding in which said invention or any application or patent directed thereto may be involved, and generally do everything possible to aid said Davox Corporation, its successors and assigns, to obtain and enforce proper patent and copyright protection for said invention in the United States, its territories and all foreign countries.

And I hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent on said invention or resulting therefrom to Davox Corporation, its successors and assigns.

(Seal)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

B. Scott Smith
B. Scott Smith

Date: 9/1/99

State of MASSACHUSETTS

)

) ss.

County of MIDDLESEX

)

Subscribed and sworn to before me by the above-named B. Scott Smith this 1st day of September, 1999.

Charles V. M. M. M.
Notary Public

My Commission Expires:

March 10, 2006

(Seal)